SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1900.

No. 447.

GOOD SHOT, AN INDIAN, PLAINTIFF IN ERROR,

vs.

THE UNITED STATES.

ON A CERTIFICATE FROM THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE EIGHTH CIRCUIT.

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United States circuit court of appeals, eighth circuit.

GOOD SHOT, AN INDIAN, PLAINTIFF IN ERROR, *vs.* THE UNITED STATES OF AMERICA, DEFENDANT IN ERROR.	On certificate from the United States circuit court of appeals for the eighth circuit.

The United States circuit court of appeals for the eighth circuit, sitting at the city of St. Paul, Minnesota, on the 11th day of June, A. D. 1900, certifies that the record on file in the action above entitled, which is pending in this court upon a writ of error duly issued to review a judgment rendered in said action in favor of the defendant in error and against the plaintiff in error by the United States circuit court for the district of South Dakota, discloses the following facts:

On February 10, A. D. 1899, the plaintiff in error, Good Shot, who is an Indian, was indicted by the grand jury in the United States district court for the district of South Dakota and was charged in said indictment with the crime of murdering Emily Good Shot. This indictment, together with the recognizances, was thereafter remitted to the United States circuit court for the district of South Dakota. The plaintiff in error was arraigned and pleaded not guilty to this indictment. A jury was called, he was tried, and the jury returned this verdict: "We, the jury in the above-entitled action, find the defendant guilty as charged in the indictment, without capital punishment." Upon this verdict the plaintiff in error was afterwards sentenced by the United States circuit court for the district of South Dakota to imprisonment at hard labor in the penitentiary at Sioux Falls, in the State of South Dakota, for the term of his natural life. Numerous errors were properly assigned to various rulings
2 and instructions of the court upon the trial of this case which present for determination important questions of law, and a writ of error has been duly sued out of this court directed to the United States circuit court for the district of South Dakota to review the judgment and sentence pronounced by that court and the various rulings upon the trial which have been assigned as error, and the case presented by said writ and the return thereon is pending in this court for hearing. A motion has been made by the defendant in error to dismiss the writ of error herein and the case pending thereon upon the ground that this court is without jurisdiction to entertain the same or to hear and determine the questions presented by the writ and the assignment of errors.

And the said circuit court of appeals for the eighth circuit further certifies that the following question of law is presented by the motion to dismiss and the record in this case, that its decision is indispensable to a disposition of the case, and that to the end that this court may properly decide the issues of law presented this court desires the instructions of the Supreme Court of the United States upon the following question and proposition of law, to wit, "Has this circuit court of appeals jurisdiction to review upon writ of error the trial, judgment, and sentence of an Indian to imprisonment for life founded upon a verdict rendered on a trial of an indictment of the Indian for murder by which verdict the jury found the defendant 'guilty as charged in the indictment, without capital punishment?'"

In witness whereof the undersigned judges, holding the said United States circuit court of appeals for the eighth circuit, have hereunto set their hands this 11th day of June, A. D. 1900, at St. Paul, Minnesota, and ordered that the foregoing certificate be filed in the said circuit
3 court of appeals and by the clerk of said court duly forwarded to the Supreme Court of the United States.

HENRY C. CALDWELL,
WALTER H. SANBORN,
AMOS M. THAYER,
Judges of the United States Circuit Court of Appeals for the Eighth Circuit.

4 United States circuit court of appeals for the eighth circuit.

I, John D. Jordan, clerk of the United States circuit court of appeals for the eighth circuit, do hereby certify that the foregoing certificate in the case of Good Shot, an Indian, plaintiff in error, v. The United States of America, No. 1353, May term, 1900, was duly filed and entered of record in my office by order of said court and as directed by said court, the said certificate is by me forwarded to the Supreme Court of the United States for its action thereon.

In testimony whereof I hereunto subscribe my name and affix the seal of the said United States circuit court of appeals for the eighth circuit at the city of St. Paul, Minnesota, this eleventh day of June, A. D. 1900.

[SEAL.] JOHN D. JORDAN,
Clerk of the United States Circuit Court of Appeals for the Eighth Circuit.

5 (Indorsed:) U. S. circuit court of appeals, eighth circuit, No. 1353. Good Shot, an Indian, plaintiff in error, v. The United States of America. Certificate of question to the Supreme Court of the United States. Filed June 11, 1900. John D. Jordan, clerk.

(Indorsement on cover:) Certificate. File No. 17932. U. S. C. C. of appeals, 8th circuit. Term No. 447. Good Shot, an Indian, plaintiff in error, v. The United States. Filed October 15, 1900.

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